

1912-002 Chancery Causes: Obi F. Gibson vs Emily Gibson
Lee Co.

Morgan, McDonald, Bay

CA-Divorce
T-Vices

To the Hon. H. A. W. Skeen, Judge of the Circuit Court
for Lee County, Virginia.

Humbly complaining, your complainant, Obi F. Gibson,
would respectfully represent and show unto your Honor that he on
the _____ day of _____ 1910, was married to one Emily Mor-
gan, with whom he lived for five or six months, during that time
he was to her a faithful, dutiful and lovable husband; she on the
other hand, did not conduct herself in proper manner and seemed to
act strange, and finally became enamored with one Nobe McDonald,
and while on a visit to her father's fell in love with him and made
a clandestine trip with him to the town of Middlesboro, Kentucky;
and,

Your complainant believes and charges that his said wife
was guilty of acts of adultery with the aforesaid man at the time
and place mentioned aforesaid.

Your complainant is a citizen of Lee County and State of
Virginia, and has been for more than twelve months before the insti-
tution of this suit, and the adulterious conduct of his said wife
occurred within five years next before the beginning of this suit,
and said acts of adultery were without the procurement or connivance
of the said complainant; that he has not lived with, nor cohabited
with said defendant, Emily Morgan, since he learned of her conduct
and he alleges that he is entitled to a divorce absolute from the
bonds of matrimony.

In tender consideration whereof, he prays that the said
Emily Morgan be made a party defendant to this bill and answer the
same, but not on oath, that being waived; that on a hearing your
complainant be granted a divorce a vinculo matrimonii; and he prays

for all other and further relief generally that the nature of his
cause may require, or to Equity seem mete. And he will ever
pray, &c.

M. G. Ealy p.q.

July 27

Ely

Obe. F. Gibson
vs { Bill in Chancery
Eunty Gibson

1912. 2nd Aug R.

Bill filed. Spa
executed + D. N.
" 2nd Aug Rules
D. N. Confirmed
+ Cause set
for hearing

Costs:
Clerk \$ 3.30
Atty 15.00
Shff. 1.70
R. P. 1.50
Tax. 1.50
Wito 5.04
\$28.04

M. G. ELY

COMMONWEALTH'S ATTORNEY

Jonestown, Virginia

Obi. F. Gibson Plff-

vs. E. E. In Chancery.

Emily Gibson Def.

This cause came on this day
to be heard upon the bill of
Complainant and deposition filed
therewith previously executed on the
Defendant and was argued by counsel,
on consideration of which, the Court
being of opinion that the allegations
of the bill have been proven.

It is adjudged ordered and decreed that
the bonds of matrimony heretofore contracted
and now existing ^{between the Plaintiff and Defendant} be dissolved, and that
they each be forever divorced from
~~each other~~ ^{the} a vinculo matrimonii,
and the Complainant will pay the
cost of this suit and it is
stricken from the docket.

Obit. F. Gibson
vs { & secret friend
Emily Gibson

Entered in C.O.
B No 9, page 335

Enter thro

Haw. Shiner

Sept. 4th, 1912

The deposition of Waco Bays and others taken before me, Geo.P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, at the law office of M.G.Ely in the town of Jonesville, Virginia, on the 23rd day of August, 1912, pursuant to notice hereto attached, which depositions when taken are intended to be read as evidence on behalf of the plaintiff in a certain suit in Chancery now pending in the Circuit Court of Lee County, in which O.F.Gibson is the plaintiff and Emma Gibson is the defendant.

Present: M.G.Ely attorney for plaintiff.

Waco Bays a witness of lawful age being first duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation?

A.-- I am 24 years old, reside at Hubbard Springs and am a carpenter.

Q.2.-- Are you acquainted with the parties to this suit and how long have you known them.

A.-- I am acquainted with the defendant Emily Gibson, but don't think I would know the plaintiff, though I have seen him.

Q.3.-- Where does the defendant reside and how long has she lived in Lee County, Virginia.

A.-- She lives near Beech Springs in Lee County, Virginia, and she has been living in this some five or six years.

Q.4.-- State all you know with reference to the defendant's phoning to Nobe McDonald at Hagan to meet her on the train to take a trip or otherwise?

A.-- About the last of May, 1912, she came to my store at Hubbard Springs and asked me to phone for her to Hagan, I was busy and told her she was welcome to use the phone and showed her where the phone was, she said she was not used to talking over a phone and would rather I would talk for her. She then asked for a pencil and paper and made out a message which was addressed to Nobe McDonald, Hagan, Va., and read about as follows: "I will be on the train to-Night - can you go?" I sent the message and McDonald answered the phone him self. His answer to the message

was simple "yes".

And further this deponent saith not.

Wit. Claims one day 30 Cts.

Waco. Bays

The further taking of these depositions is adjourned until
the 4th day of September, 1912, at the same place.

Geo. P. Cridlin
Commissioner in Chancery.

Met pursuant to adjournment at the law office of M.G.Ely, in the town of Jonesville, Virginia, on the 4th day of September, 1912.

N.H.McDonald, a witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation and whether or not you are acquainted with the parties to this suit.

A.--ⁿI am 24 years old, live at Hagan, Va. am a telegraph operator. I am acquainted with the parties to this suit.

Q.2.-- ~~At the time of the trial of the defendant Emily Gibson~~ Did you ever make a trip to Middlesboro with the defendant Emily Gibson and if so how did you happen to go?

A.-- I did make a trip to Middlesboro and she went at the same time. I was with her part of the way down there and with her while she was there. This was on or about the 29th of last May. I did not come back with her. Some one called me up on the phone and gave me a message from her. The message as I remember it was " I have decided to go to Middlesboro to-night, can you go. (signed) Emma Morgan". She was a Morgan before she married Gibson. It was on account of that message that I went with her.

Q.3.-- How much were you with her after you got to Middlesboro that night, and where did you both stay.

A.-- I was with her five or six hours that night, or hardly that long. Part of the time on the side of the street up above the Middlesboro Hotel and ^{a part} ~~the~~ of the time rambling over town. I do not want to tell where we spent the balance of the night. We ate breakfast at the Wilhor Cafe.

Q.4.-- State whether or not if you know the defendant has been guilty of any acts of adultery or sexual intercourse since her marriage with O.F.Gibson, within the last five years.

A.-- I know that she has.

And further this deponent saith not

N. H. McDonald

Witness claims one day 50
16 miles 64.
\$ 1.14

Witness John Ely, appeared, but being not sworn claimed his attendance and mileage as follows:

One day attendance	50
Milage	<u>2.90</u>
	\$3.40

Virginia Lee County, To-wit:

I, Geo.P.Cridlin, a commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of Waco Bays and N.H.McDonald were taken, sworn to and subscribed before me at the times, place and for the purpose in the caption mentioned.

Given under my hand this the 4th day of September, 1912.

Geo. P. Cridlin
Commissioner in Chancery.

30th Sept 1912

O. F. Gibson
vs. { in Chy.

Emily Gibson

Depositions of
John Ely 3.40

Waco Pays 1.50

N. H. McDonald 1.14

\$5.08

Court fee 1.50

6.58

Filed Sept. 4, 1912

J. J. Edds Clerk

To

Emily Gibson

Take notice that I shall, on the 23d day of August 19 12.
at the Law Office of M. G. Ely, in the town of Jonesville, Va.

between the hours of 6 A. M. and 6 P. M., on that day, proceed to take the depositions
of Waco Pags, and others, to be read in evidence in my behalf,
in a certain suit depending in the Circuit court for the County
of Lee wherein you are defendant
and I am plaintiff

and if from any cause, the taking of the said depositions be not commenced on that day, or if
commenced, be not concluded on that day, the taking of the same will be adjourned and con-
tinued from day to day, or from time to time, at the same place and between the same hours,
until the same shall be completed.

Very respectfully,

Obi F. Gibson

O. H. Gibson

US. }

NOTICE TO TAKE
DEPOSITIONS

Emily Gibson

M. H. Ely p. q.

Executed by delivering
a true copy of the within
notice to Emily Gibson
this aug. 16-1912.

P. H. Ely D. S. J.

O. D. Robbins, S. J. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Emily Gibson

to appear at the Clerk's office of the Circuit Court of the county of Lee, at rules to be held for the said court, on the *1st* Monday in *Aug* 191*2* to answer a bill in chancery exhibited against *her in our said Court by Obe F. Gibson*

And have then there this writ. Witness, J. D. EDDS, Clerk of our said Court, at the court-house, the

22nd day of *July* 191*2*, and 1*9**17* year of the Commonwealth.

A Copy Teste:

J. D. Edds

Clerk

, Clerk

Ab. J. Gibson

vs. } SUBPOENA
IN CHANCERY.

Emily Gibson

M. J. G. G. p. q.

To 1st August Rules
Circuit Court

Executed this
July - 29 - 1912 -

C. E. Garrett 108
for a. P. Public.

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